



General Assembly

January Session, 2003

Raised Bill No. 6583

LCO No. 3735

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT CONCERNING LANDLORDS AND MASTER WATER
METERING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2003*) (a) For the purposes of
2 this section:
- 3 (1) "Customer service charge" means a fixed amount charged by a
4 water company for providing water to a building.
- 5 (2) "Dwelling unit" means any house or building, or portion thereof,
6 that is occupied or designed to be occupied, or is rented, leased or
7 hired out to be occupied, as a home or residence of one or more
8 persons.
- 9 (3) "Landlord" means the owner, lessor or sublessor of a dwelling
10 unit in a building located on premises wherein an occupant receives
11 water service through metered measurement.
- 12 (4) "Master water meter" means a device that measures the quantity
13 of water provided to an entire house or building without measuring
14 the quantity of water provided for the exclusive use of each dwelling

15 unit.

16 (5) "Submetering" means use of a meter by a landlord that receives
17 water from a water company, which meter measures water supplied to
18 a portion of the premises for the purpose of the landlord charging the
19 occupants of the premises separately for water usage.

20 (6) "Water company" means a water company, as defined in section
21 16-1 of the general statutes, as amended by this act, or a municipal
22 utility or any other waterworks system owned, leased, maintained,
23 operated, managed or controlled by any unit of local government
24 under any general statute or any public or special act, which company,
25 utility or system supplies water to a landlord through metered
26 measurement.

27 (b) No occupant of a dwelling unit may be separately charged by a
28 landlord for estimated water usage as measured through the use of a
29 master water meter. No landlord may charge occupants separately,
30 nor allow occupants to be charged separately, for submetered water
31 usage except in compliance with all requirements for submetering
32 established by the Department of Public Utility Control and by this
33 section.

34 (c) A landlord may install or cause to be installed, at the expense of
35 the landlord, submetering equipment in the landlord's building to
36 measure the quantity of water provided for the exclusive use of each
37 dwelling unit, provided the landlord demonstrates to the
38 Commissioner of Public Utility Control, at the landlord's expense, such
39 equipment meets standards of accuracy and testing for water company
40 meters prescribed by said department, pursuant to section 16-259 of
41 the general statutes.

42 (d) (1) A landlord may not charge the occupants of a dwelling unit
43 separately for water supplied through a submeter, nor allow such
44 occupants to be so charged, unless the submeter measures only water
45 that is supplied for the exclusive use of the particular dwelling unit

46 and to an area within the exclusive possession and control of the
47 occupants of such dwelling unit and does not include any water usage
48 for any portion of the common areas or by any other person or
49 dwelling unit.

50 (2) A landlord may neither charge occupants separately, nor allow
51 occupants to be charged separately, for submetered water usage unless
52 the occupants have signed a written lease that clearly and
53 conspicuously provides for such separate charge and that fully
54 discloses in plain language the details of the water submetering and
55 billing arrangement between the landlord and the occupant. The
56 landlord may institute any such charge only at the beginning of a new
57 leasing period and not during the term of a lease.

58 (e) A landlord shall determine a calculated cost per unit of water
59 consumption by dividing the total amount of any bill or invoice
60 provided to the landlord from the water company for water usage,
61 including any customer service charge or taxes, but not including any
62 interest for late payment, penalty fees or other discretionary
63 assessments or charges, for all water provided to the premises through
64 the water company meter in that billing period, by the total amount of
65 water consumption for the entire premises. The total amount charged
66 separately to each submetered dwelling unit for water usage for any
67 billing period shall not exceed such calculated cost per unit of water
68 multiplied by the number of units of water delivered exclusively to the
69 particular dwelling unit. A landlord may not charge or recover, or
70 allow to be charged or recovered, any additional servicing,
71 administrative, establishment, meter-reading, meter-testing, billing or
72 submetering fee, or other fee whatsoever, however denominated.

73 (f) (1) A landlord may not charge occupants separately, nor allow
74 occupants to be charged separately, for water usage resulting from
75 leakage, defective fixtures or other conditions resulting in the wastage
76 of water, the maintenance or repair of which is the landlord's
77 responsibility pursuant to section 47a-7 of the general statutes. The

78 occupants shall be entitled to a refund of or credit from the landlord of
79 any such charges in an amount that reasonably reflects the cost of such
80 excess water usage that has improperly been charged to them, except
81 that, if the landlord does not have actual or constructive knowledge of
82 the condition leading to the increased water usage and the occupant
83 has actual knowledge of such condition but does not notify the
84 landlord by the thirtieth day after receiving a water bill from the
85 landlord, the landlord shall not be required to make such refund for
86 water usage after such thirty-day period.

87 (2) Notwithstanding the provisions of subdivision (1) of this
88 subsection, if a landlord has actual knowledge of or has received actual
89 or constructive notice of leakage, defective fixtures or other conditions
90 resulting in the wastage of water, the maintenance or repair of which is
91 the landlord's responsibility, and fails to remedy the conditions by the
92 thirtieth day after such knowledge or notice, the landlord may not
93 thereafter charge occupants separately, nor allow occupants to be
94 charged separately, for any water usage, pursuant to this section,
95 except where the occupants have prevented maintenance or repair.
96 The occupant shall be entitled to a refund or credit from the landlord
97 of any such amounts that have improperly been charged to them.

98 (3) For purposes of this subsection, a landlord has constructive
99 notice of a condition if the condition produces an abnormal usage of
100 water and such abnormal usage was known or detected by the
101 landlord or the agent or contractor of the landlord, or would have been
102 known or detected by the landlord or the agent or contractor of the
103 landlord, if submeter readings had been monitored on at least a
104 monthly basis.

105 (g) Water usage separately charged to occupants pursuant to this
106 section shall be delivered by the water company to the landlord and
107 such landlord shall (1) be the consumer, as defined in section 16-1 of
108 the general statutes, as amended by this act, (2) for billing purposes, be
109 the customer of record, (3) be responsible for payment of the water

110 company bills, and (4) be subject to any actions of the water company
111 for nonpayment.

112 (h) A landlord may not shut off or refuse water service to an
113 occupant on the basis that the occupant has not paid a separately
114 assessed submetered water usage charge. A water company shall not
115 terminate water service to the building or any part thereof, but may
116 pursue the remedy provided in section 16-262t of the general statutes.

117 (i) A separately assessed charge for submetered water usage shall
118 not be deemed rent within the meaning of section 47a-15 or 47a-15a of
119 the general statutes or subsection (h) of section 47a-1 of the general
120 statutes. No water usage bill to an occupant subject to submetering
121 may be considered overdue unless it remains unpaid more than thirty-
122 three days after it was mailed to the occupant, nor may it be
123 considered overdue for any period where the occupant is disputing
124 such bill pursuant to subsection (m) of this section.

125 (j) Each bill for submetered water usage shall clearly set forth all
126 charges and all other relevant information, including, but not limited
127 to, the current and immediately preceding submeter readings and the
128 date of each such reading, the amount of water consumed since the last
129 reading, the charge per unit of water, the total charge, the payment
130 due date and the method for questioning a bill.

131 (k) (1) Prior to implementing a submetering system, a landlord shall
132 file with the Department of Public Utility Control a sworn statement of
133 a plumber licensed in this state that, based on actual knowledge
134 resulting from an examination and inspection of the water distribution
135 system and the testing of each submeter, each submeter measures
136 water delivered exclusively to each separate dwelling unit and no
137 dwelling unit will be submetered for water delivered to a common
138 area, another dwelling unit or any other area not within the exclusive
139 possession and control of the occupants of the dwelling unit; and each
140 submeter in the system meets standards of accuracy for water
141 company meters prescribed by the department pursuant to section 16-

142 259 of the general statutes.

143 (2) The landlord shall provide notice by first class mail of such filing
144 to the Office of Consumer Counsel, the water company that provides
145 service to the building and, if any dwelling units that will be
146 submetered are occupied at the time of such filing, to all known adult
147 occupants of such dwelling units. The recipients of the notice may
148 submit comments on the filing to the department for up to thirty days
149 following the date of the filing.

150 (3) The department shall, no later than thirty days after the close of
151 the comment period, review the filing and comments for compliance
152 with the provisions of this section. The department, after such review,
153 shall notify, in writing, the landlord, the water company that provides
154 service to the building and any person or entity that has submitted
155 written comments pursuant to this subsection of the determination it
156 has made on the filing. If the department determines that the filing is
157 not in compliance with the provisions of this section, it shall set forth
158 in detail the items that are not in compliance. Upon motion of the
159 landlord or any person that submitted written comments pursuant to
160 this subsection that is aggrieved by the determination made by the
161 department, the department shall conduct a contested case proceeding
162 on such determination, in accordance with chapter 54 of the general
163 statutes. The department shall grant party status to the landlord and
164 any person or entity that submitted written comments pursuant to this
165 subsection and shall give notice of the proceeding to parties to the
166 proceeding.

167 (l) The Department of Public Utility Control shall adopt regulations,
168 in accordance with the provisions of chapter 54 of the general statutes,
169 to carry out the purposes of this section. Such regulations shall, at a
170 minimum, (1) establish procedures for instituting, maintaining and
171 terminating submetering systems, and (2) ensure that occupants
172 subject to submetering receive consumer protections against the
173 landlord that are at least as extensive as the consumer protections

174 against water companies contained in the general statutes and the
175 regulations of Connecticut state agencies, as from time to time
176 amended.

177 (m) Any occupant of a dwelling unit who disputes the accuracy of a
178 submetered water usage bill, the accurate functioning of a submeter or
179 the landlord's compliance with any regulation, requirement or order of
180 the Department of Public Utility Control or other legal authority
181 governing the provision of water service may file a complaint with
182 said department. The department shall have the same authority to
183 order resolution of a complaint against a landlord, and the landlord
184 and the occupant shall have access to the same procedures, including
185 all rights of appeal, as if the complaint had been filed against a water
186 company. Any party aggrieved by the agency decision may appeal
187 from such decision in accordance with section 4-183 of the general
188 statutes. Appeals shall be privileged cases to be heard by the court as
189 soon after the return date as is practicable.

190 (n) Nothing in this section shall be construed to increase or expand
191 the relationship between the occupant of a dwelling unit that is
192 submetered and a water company, or to prevent the occupant of a
193 submetered dwelling unit from pursuing any other action or remedy
194 at law or equity that the occupant may have against the landlord, the
195 water company or any other person.

196 (o) Nothing in this section shall be construed to increase or expand,
197 change, eliminate, reduce or otherwise limit the liabilities or
198 obligations of any water company that are set forth in the general
199 statutes and the regulations of Connecticut state agencies, as from time
200 to time amended, regarding occupants of a submetered building who
201 are receiving water provided to the building by the water company.

202 (p) Nothing in this section shall be construed to increase or expand
203 the jurisdiction of the Department of Public Utility Control with
204 respect to the regulation of any municipal water utility or any other
205 waterworks system owned, leased, maintained, operated, managed or

206 controlled by any unit of local government under any general statute
207 or any public or special act.

208 Sec. 2. Subdivision (10) of subsection (a) of section 16-1 of the
209 general statutes is repealed and the following is substituted in lieu
210 thereof (*Effective October 1, 2003*):

211 (10) "Water company" includes every person owning, leasing,
212 maintaining, operating, managing or controlling any pond, lake,
213 reservoir, stream, well or distributing plant or system employed for
214 the purpose of supplying water to fifty or more consumers. A water
215 company does not include homeowners, condominium associations
216 providing water only to their members, homeowners associations
217 providing water to customers at least eighty per cent of whom are
218 members of such associations, a municipal waterworks system
219 established under chapter 102, a district, metropolitan district,
220 municipal district or special services district established under chapter
221 105, chapter 105a or any other general statute or any public or special
222 act which is authorized to supply water, or any other waterworks
223 system owned, leased, maintained, operated, managed or controlled
224 by any unit of local government under any general statute or any
225 public or special act or a landlord submetering water pursuant to
226 section 1 of this act.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2003</i> |
| Sec. 2 | <i>October 1, 2003</i> |

Statement of Purpose:

To prohibit landlords from using master water meters to bill tenants based on estimated water use.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]